

**MEETING MINUTES  
Town of Halfmoon Planning Board  
February 22, 2016**

Those present at the February 22, 2016 Planning Board meeting were:

- Planning Board Members:      John Ouimet – Chairman -absent  
    Don Roberts – Vice Chairman  
    Tom Ruchlicki  
    John Higgins  
    Marcel Nadeau  
    Tom Koval  
    Richard Berkowitz
- Planning Board Alternates:    Margaret Sautter
- Director of Planning:            Richard Harris  
 Planner:                              Paul Marlow
- Town Attorney:                    Lyn Murphy  
 Deputy Town Attorney:        Cathy Drobny
- Town Board Liaison:            John Wasielewski  
    Jeremy Connors

*Chairman Don Roberts opened the Planning Board Meeting at 7:00 pm*

*Tom Ruchlicki made a motion to approve the January 25th, 2016 minutes. Rich Berkowitz seconded, Motion Approved.*

**15.187/15.188            Norakdi Subdivision, 30 Ushers Road - Minor Subdivision & Special Use Permit.**

**John Noradki:** I currently live at 30 Ushers Road. What I'm proposing is just to build up a one family house on the right hand side of where the left hand property is, right there. It's pretty simple; I don't know what you guys would like to know?

**Richard Harris:** The applicant since last meeting did update the plans to include well and septic on his property and the Pappinos to the east, the projection on that map is to the right and Floud is vacant so there is none there, and I did hear from the adjacent property owner Mrs. Floud today and she had no objections to the proposal, she just was wondering what is was about, she had no objections.

**Don Roberts:** Ok, anyone from the public like to speak? (No comments) Ok seeing as no one wants to speak I will close the public hearing, any questions from the board members?

**Marcel Nadeau:** John I think you said the remaining parcel is landlocked?

**John Noradki:** Yes it is, the railroads, I have been email channel for the last three years they have done nothing to put in a crossing for me so.

**Lyn Murphy:** For his purposes but can you show the frontage?

**Richard Harris:** The remaining lot would be here

**John Noradki:** Yea that's basically it looks like a lower case.

**Lyn Murphy:** One is good.

**John Noradki:** So this is the lot right here.

**Lyn Murphy:** That's the new lot, and then where's the existing lot?

**John Noradki:** Right here, looks like a its kinda of like a.

**Lyn Murphy:** Right and it comes out here on Ushers?

**John Noradki:** Yea Exactly

**Marcel Nadeau:** What I'm saying is the portion across the tracks he has no frontage there.

**Lyn Murphy:** That is part of this, this is all one lot.

**Richard Harris:** The railroad tracks affectively keep (unintelligible)

**John Noradki:** Yea that's why I was playing email tag with the railroad to put me in crossing in for me, so there's nothing I can really do.

**John Higgins:** Isn't there a crossing further down towards the, cant think of his name, don't they have a crossing on the tracks?

**John Noradki:** Yea Riley, everybody down Ushers road has a crossing other than myself so, it is what it is on that.

*Marcel Nadeau motion to declare a negative declaration pursuant to SEQR. Rich Berkowitz seconded. Motion was carried.*

*Marcel Nadeau made a motion to approve the Noradki Subdivision as presented. Tom Ruchlicki seconded. Motion Approved.*

**Richard Harris:** You also have a special use permit on that, for a subdivision of a pre-existing residential use LLC so you do also need a separate vote on that.

*Marcel Nadeau made a motion to approve Special Use Permit for the Noradki Subdivision. Tom Ruchlicki seconded. Motion Approved.*

**15.191            Key Valley LLC., 29 Smith Road - Minor Subdivision**

**Duane Rabideau:** From VanGuilder and Associates here tonight representing Key Valley LLC. with a request before the board for a proposed three lot Minor Subdivision. The parcel is located on the easterly side of Smith road, approximately half a mile north of Vosburgh road. What we are proposing is a, is to subdivide lot #1 into three parcels, the total acreage of lot one is 4.72 acres. We want to create Lot A which is the front lot which is approximately 27,000 sq ft. Lot B would be the first keyhole lot in the back just in back of the wetlands. That would be 2 acres, and Lot C, which is the other rear keyhole lot that would be 2.1 acres. The lots would be serviced by public water and public sewer. The proposed lots meet all the AR zoning requirements, at the last meeting the planning board asked that we modify the driveway to add a turn out, which we did and we also located all the adjacent wells, I don't think this map up on the board shows it, that our adjacent to this parcel within 100 ft of the parcel. Now we did receive an email from the Planning Dept. about comments from the Fire Chief, at this point in time the applicant is talking with the fire chief so Imp not sure what the results of that meeting was as far as what he is requesting for the proposed driveway, and that is our request before the board.

**Don Roberts:** Thank you Duane. Would anyone from the public like to speak? (No comments) I believe we have some written correspondence pertaining to this application. Can you read that into the record?

**Paul Marlow:** Yes we received two written letters from adjacent property owners, one being Mr. Lyons and the other being Amanda House, regarding this project. Ill read these right into the record. Mrs. House emailed Richard Harris today, this morning, she said, *I am writing you in regards to this evenings public hearing to the Key Valley LLC. Subdivision, I would like to bring to the boards attention the fact that the concerns they raised at the last public hearing have yet to be addressed by the property owner. The tree service company is still housed in the lot across from my home and the trucks often stand and idle along my front yard as they gather after pulling out of the driveways. There are also people that are residing in those buildings behind the duplex and they have been for years as evidenced by multiple visits to my home while searching for lost pets. The traffic in and out of that driveway at all hours is excessive for private residence that is only supposed to be servicing one half of a two family building. I think perhaps the existing issues with current lots should be addressed prior to new requests for others. Thank you, Amanda House, 20 Smith Road.* And then in addition late this afternoon we got a letter, excuse me an email from an adjacent, well property owner adjacent to another one of the applicants properties a Mr. Lyons his email or his letter reads as follows, *To Whom It May Concern, We are long time owners of residential properties of abutting lands that are subject of ongoing development by the applicant Ballard Db a Key Valley LLC. We are writing this letter to respectfully ask the Planning Board to carefully scrutinize this latest application for three unit Key Hole Subdivision. Once again we submitted as the town and as town planners have acknowledged, the developer is staggering minor subdivisions to create this collective site with residential units arguably by exploiting a loophole in the northern Geis town code. Last while approving another application for Minor subdivision at this site board members acknowledged the serious topography and drainage issues at stake. The board approved the application but indicated no building permits would be issued for the subject property with out full storm water review plan. Without notifying the town or seeking guidance from the board, developers subsequently dug up significant non-jurisdictional wetlands on the portion of the over all*

*site. This was done even though EEOC documents indicated that developer was advised in or about 2009 to avoid disturbance of any aforementioned wetlands. However that directive was not binding and the developer exploited it. A licensed engineer consulted by the neighbors recently estimated the total land disturbance and ongoing and incomplete wetlands removal project appears to be exceeding one acre. But the Towns Storm Water Management technical apparently using an eyeball estimate concluded that the area does not exceed one acre. Either way during recent rain developments before the photographs the town planning officials showing the new creek flowing across the front yards of vacant properties of 41 Vosburgh Road. A direct result of land clearing and wetlands removal. In addition to storm water drain to 137, 139 Vosburgh Road was overwhelmed and resulted in temporary flooding in the front yards in that area during another recent event. Although those drainage issues are not directly related to this application before the board here it draws on the collective problems that are ongoing with the site and the need for the board to step in. It is our hope that the board will carefully scrutinize to what amounts to a major subdivision to project that is being stretched over a years to a series of minor subdivisions. Even in instances where the town is in perfect code may indicate a developer may subdivide a parcel please remember planning board is not powerless to use its discretion to act in the best interest of neighboring properties, its why votes are taken. In addition we hope the board will carefully consider it if applications of shared driveways and inherent problems that can result, including property owners who no longer maybe or are unwilling to take care of their properties as well as concerns about fire apparatus access. Respectfully the Lyons and Bakers.*

**Don Roberts:** That's it? Ok thank you, Duane would you like to respond to these correspondences?

**Duane Rabideau:** Yea the first one is the issue of the wetlands he had to her to just fill in the wetlands, he did, we had documentation, the town has the same documentation, so Mr. Lyons has mis represented that. He keeps calling, basically, circumvention, masquerading these are all separate parcels, they are all subject to minor subdivision so he keeps bringing that up and its just not the case, if it was the case the planning board would not act on it so that's incorrect. As far as the issue with the parcel on Vosburgh road we worked with the town on that, I think we have that under control and in all actuality it is not a relevant to this parcel they are totally separate parcels. That's all I can remember from the letter.

**Don Roberts:** Ok Thank you; anyone else like to speak, please come up and state your name and address.

**Amanda House:** 20 Smith Road I wrote the first email, I hadn't realized at the time I wrote it that the driveways that are proposed for flag lots, the driveway that I was already talking about excessive traffic at all hours that the same spot, so now flag lots aren't ideal because normally those driveways would be spaced out along normal lots so now there's going to be the traffic coming and going at all hours, well I don't know if it will be all hours if their a single family homes but those are lights going into my family room every single time someone leaves at night, and I mean I just don't think that the division of those lots is ideal. I don't think it's considerate to other residents. So and like I said to the tree service is still there, there are still people living back there, it's just a really odd situation.

**Don Roberts:** Ok, Thank you. Duane in relation to that tree service that was supposed to be gone right?

**Duane Rabideau:** That, I know there was discussion about it, um this is the first time tonight I realize it has not been addressed, it seems like it did come up at some meeting, Imp not sure on which subdivision

we did it on, but then again its not relevant to our parcel, I know its an issue that needs to be resolved, it seems to be a rather sticky point, but is that relevant to our subdivision tonight though?

**Amanda House:** It is if they don't leave then its increased traffic.

**Lyn Murphy:** Duane you've acknowledged that the applicant hasn't addressed the issues raised by emergency services, this is yet another outstanding issue with regards to this project going forward based on that I am going to recommend that the board not take action tonight until they hear back from the applicant with a satisfactory resolution of both of the concerns raised by emergency services together with this traffic issue and business, Ill research the minutes to see if it was a condition of an approval or what the status of that is.

**Duane Rabideau;** But is that relevant to our application its granted, its the same applicant.

**Lyn Murphy:** I think I just said it was.

**Duane Rabideau:** yes it is, ok.

**Don Roberts:** Thank you Lyn, would anyone else like to speak from the public? Lyn would you briefly explain the subdivision of lots?

**Lyn Murphy:** I think your asking in response to the letter submitted by both the Lyons and the Bakers, there was a comment with regards to a loophole in the GEIS with regards to Minor vs. Major Subdivisions. Basically the town doesn't designate a time period for the differentiation of minor vs. major what we do is we rely on the public health law of the state of new York which gives a three year time period, so its not a GEIS issue, its a public health law section 1015 that we rely on, but we did talk to planning and I discussed possibly adding into our local law a specific number so it would be clear with out having to go to the town law to find the answer to that question.

**Don Roberts:** Thank you, so in effect the present time this is beyond the planning boards control.

**Lynn Murphy:** Correct its governed by the state.

**Don Roberts:** Thank you, any questions or concerns by the board members?

**John Higgins:** Duane on lot # A, is the driveway, the proposed driveway, it goes out into the easement is that correct?

**Duane Rabideau:** That is correct, it goes exactly where it was proposed when we did the initial subdivision as a part of the common drive with

**John Higgins:** His son's duplex.

**Duane Rabideau:** No, his sons duplex is two lots down from there, this lot is for a single-family house, which has not been built yet.

**John Higgins:** ok, cause I know Don and Margaret and I were up there for a committee visit to the site and at that time Mr. Ballard told us that the businesses in the back the tree business was gonna be moving out and it was not going to stay there and as far as people actually living back there I was not aware, I thought it was just a business, but if there's people living back there, that was never shown on any of the drawings as far as an additional residence on that site.

**Duane Rabideau:** I am not aware of that, but ill talk to the applicant and tell him he needs to address these, or the project is not moving forward.

**John Higgins:** that was part of the committee meeting that we had on site and I, ya know Don and Margaret were also there so.

**Don Roberts:** Thank you John, anyone else?

**Tom Koval:** Duane could you just clarify, I'm sorry, I haven't been involved in this up to now, where that tree business is and what access they are using?

**Duane Rabideau:** Basically, its off the map, its somewhere in this area right here, the tree business is down in this area.

**Tom Koval:** they are not sharing that, access road with the new lots at all?

**Duane Rabideau:** No, that's strictly only for those two proposed houses.

**Lyn Murphy:** Is the driveway that has showing us a shared driveway does it exist as we sit here today.

(Unintelligible)

**Duane Rabideau:** No, that's not there, that's down here.

**John Higgins:** This is adjacent to the Fitch property; this borders the Fitch property, yep, which I think is further north.

**Don Roberts:** Anyone else?

**Rich Berkowitz:** Duane where is this going to, where is the water going to drain to?

**Duane Rabideau:** the water is going to drain basically some is going this way to this wetland and eventually it will come down through here, down through on the side of the Papino subdivision that we did two, three years ago. There is like a ditch that eventually heads straight down towards a culvert underneath Vosburgh road.

**Rich Berkowitz:** So that goes from Smith to the front of Vosburgh or does it go behind their homes the Bakers and the Lyons homes?

**Duane Rabideau:** there is a, it's not in back of the Bakers and the Lyons home it's farther to the east it's in back of the Papino subdivision the new houses the two duplexes.

**Rich Berkowitz:** That's more toward the east isn't it?

**Duane Rabideau:** That's correct, closer to Lucarellis operation.

**Rich Berkowitz:** But does this property is that going to come down where the future minor subdivisions are gonna be?

**Duane Rabideau:** No, no, no

**Rich Berkowitz:** so where's this go?

**Duane Rabideau:** it basically abuts against two parcels that already have houses on them, I think the new houses Monest, he built a new house back there and, which is in back of the two proposed duplexes that we did, and then an existing house I'm not sure who the owner is, is that Korsky, yea

**Brendan Lyons:** that's not good can I just say, I know the public hearing is closed but the Monast property because he is not taking into account the curve of the road, the Monast property is directly behind us, if I look out my back door I'm looking at that new house straight at it, and so he just described a culvert that goes under Vosburgh road is that pour on my front yard that's where all this will drain to if your saying its coming down through the Monast property.

**Rich Berkowitz:** I remember being out there for another project and I remember it coming down a little passage way to Vosburgh road, going down Vosburgh road, going under the culvert and I remember it being pretty wet over there.

**Marcel Nadeau:** Don, when you and I and Rich looked at the other subdivision I thought that we determined that actually and I don't know the peoples name was draining on Ballard, but was also draining further down to the adjacent two lots, I thought we determined that? Above Ballards lot and I think Bakers lot as well.

**Rich Berkowitz:** ok that's what I'm getting confused about.

**Don Roberts:** I don't think this lot borders it

**Rich Berkowitz:** No it doesn't

**Margaret Sautter:** Duane, I think just reading through these notes and being on the site myself when the, his sons house went up, the duplex, just reading this I hear the frustration, I think they are frustrated with things that you've told us, and things you've told them, the tree service isn't going to be there anymore, they are moving out, I was there at the meeting and he did say that to us, and I know we said we were going to research it, I also understand there problems with the water, whether or not this particular borders that, I think you need to look beyond that, I think you need to make these neighbors happy by looking into seeing what is the cause to this, they are saying there is water problems, your

saying well this has nothing to do with that but I think it does in general over all if your saying well we've taken care of that but this says and I wanted to ask you that was this recent the , this is showing a new creek flowing across the front yard of the Baker property was recent on 141 Vosburgh road , and you said we took care of that so has that been taken care of and if not , I think those are the things maybe you should take a look at.

**Duane Rabideau:** Yea I understand that I, its like a two, two questions here, Our subdivision is one thing these issues are others, and we are not diminishing that as that was an issue Mr. Ballard has got that under control but there's also interpretation of what that flow across land was, its a natural thing, that was when the ground was totally frozen we got two inches of rain, its gonna go downhill and everything froze up, I had the same exact thing on my lawn, the same exact thing I understand their concerns but its not what they are saying it is , its there yea, I saw the pictures its just the situation we have.

**Margaret Sautter:** has it gotten worse I guess is my question? It appears that they are saying because of what's been happening its gotten worse,

**Duane Rabideau:** No, everybody's saying that its because he (garbled) and its not the reason, basically unfortunately the Bakers and the Lyons are on the downhill side of a large watershed area and everybody's putting 2 and 2 together and coming up with three, ya know we looked at it Mr. Ballard has addressed as best as he could the true test is going to be in the spring time. There was basically the (garbled) was water that flowed across the parcels but there was no situation DEC was out there looked at the silt fence, yep you did what you needed to so we are getting conflicting reports also from different agencies.

**Tom Koval:** when you say he addressed it, is how he addressed the silt fence and bales or what was how he addressed it?

**Duane Rabideau:** Yes silt fence, he initially put the silt fence up, it was doing its job but at some point in time, silt fence is to stop silt and not water and basically we had two inches of rain basically the grounds all frozen so you basically got impervious surface and its unfortunately its gonna go down hill towards that culvert onto Vosburgh no matter what he did or how he did it its still gonna do it.

**Don Roberts:** ok anyone else? (No comments) Ok since the fact that the fire district issues and the tree clearing business has not been resolved we are not going to take any action tonight.

**Duane Rabideau:** ok so table it?

**Don Roberts:** you might talk to the applicant and get that straightened out thank you

**Duane Rabideau:** we will.

*The board decided to table the Key Valley LLC, - Minor Subdivision until issues with the Tree Business and drainage are resolved.*

**16.020      Home Depot, 4 Halfmoon Crossing - Change of Tenant/ Use**

**John Gray:** I'm the store manager at the Halfmoon Home Depot I've been there for many years I'm coming up to ask for my annual storage permit. It's for pretty basic stuff, overstock on mulch, soils, block stone in a designated storage area that is permitted by the town. I'm just coming before you tonight to hopefully get that permit.

**Don Roberts:** Now in the past we had a little issue about stuff being in the fire lane.

**John Gray:** There was an issue it was the Sunday of memorial day weekend I believe Steffen was at our store I was not, that issue was addressed with my salary manager who made that call and it was addressed the following week, that person is no longer with us, we have worked too hard to be a good neighbor with the town of Halfmoon, and the 8 years I've been at that store so I don't know if you want to call it a snafu or what you want to call it but it was absolutely addressed I actually went into the store that Sunday and everything was fixed with in an hour.

**Don Roberts:** Ok so that wont happen again?

**John Gray:** Absolutely not, I think we set the precedent with the termination.

**Don Roberts:** That should do it yea, any questions?

**John Gray:** May I ask one other thing?

**Don Roberts:** Sure

**John Gray:** On the application it says March 1st, I was wondering if it was possible if a couple of trucks of soils and mulch come in later this week, we have been pushing them back with the mild winter we've had or lack of winter, I did notice next year ill probably come in, in January moving forward just in case we have a mild winter again cause they are trying to deliver a lot of product, which we have held off.

**Rich Berkowitz:** It says March 1st on there.

**John Gray:** Yea, which is next week. Next Tuesday actually.

**Don Roberts:** and until September 30th.

**John Gray:** well it's usually gone by the end of august but we have Sept 30th on there

**Don Roberts:** Ok

*Rich Berkowitz made a motion to approve Home Depots Change of Use / Tenant for outdoor storage for the time period of Feb 23,2016 Through September 30, 2016. John Higgins seconded. Motion Approved.*

**16.023      The Church at Newtown Road, 142 Lower Newtown Road - Sign**

**Joshua Hoss:** Pastor of Church at Newtown road. There is a mock up of the design we worked with Rich and Paul, to work on the square footage of the sign to make sure it meets the code and make sure all the elements of the monument as well.

**Don Roberts:** Total heights 7ft 2in.

**Joshua Hoss:** Total height 7ft 2in. yea.

**Don Roberts:** there's two signs right?

**Joshua Hoss:** There's two signs, one at each entrance correct.

**Don Roberts:** And each sign is one sided?

**Joshua Hoss:** Each sign is one sided correct.

**Don Roberts:** Ok, this meets the town code so any questions? (No comments)

*Rich Berkowitz made a motion to approve The Church at Newtown Roads Sign Application. Tom Koval seconded. Motion Approved.*

**15.156      Clifton Park Church of Christ. - Minor Subdivision**

**Gavin Villaume:** With environmental design representing Clifton Park Church of Christ. This application proposes to subdivide a 1.82 acre parcel of land into two lots, the zoning is currently a C-1 commercial and we are actually subdividing property in order to have each building that currently exists as the site on its own lot. We presented I believe a concept at one of your workshop meetings, we discussed parking and access a little bit as part of this subdivision. There is no proposed improvements but we kind of drew on the site plan or the subdivision map some ideas of some improvements that could be made in the future as this building maybe gets occupied in the future so the one thing that was discovered if you look close at the map, the new property line that goes down the middle. We did need to get several variances for the location of the proposed subdivision. Both for the new lot line and some of the existing setbacks on the smaller building. The smaller office building was over the setback in a couple instances so the list of variances is at the table at the top of that drawing and all those variances were granted earlier this month by the zoning board of appeals, so were uh anxious to hopefully get to the next step with a public hearing.

**Don Roberts:** Thank you Gavin, any questions?

**John Higgins:** Gavin obviously when and if they sell this property the new tenants are going to have to come in for a change of tenant the limitations as far as parking on that site are gonna dramatically affect who can go in there.

**Gavin Guillaume:** Yea the owners of the church obviously will make it very clear that whoever purchases that property has to come back here for site plan approval and it will be limited to a certain amount of parking yep.

**John Higgins:** So it's not good for an intense type of application.

**Gavin Guillaume:** Right yep, they'll have to obviously, I'm sure before they purchase the building they'll wanna make sure they have enough parking for what they are gonna be doin.

**John Higgins:** Thank you.

**Don Roberts:** Anyone else? This has to be referred to the Saratoga County Planning Board so we have to put it off a little bit alright?

**Gavin Guillaume:** That's all right so maybe end of March?

**Don Roberts:** March 28th?

**Gavin Guillaume:** March 28th perfect.

*This application will be sent to the County Planning Board for review.*

*A motion was made by the Board to set a Public Hearing for Clifton Park Church of Christ on March 28, 2016. Motion Approved.*

**16.011/16.022            CGM Construction Duplex, Guideboard & Middletown Roads - Major Subdivision & Special Use Permit**

**Chris Marchand:** From CGM Construction I am here to present an application for a subdivision and a special use Duplex permit. We are looking to separate two parcels non-contiguous parcels of land that are currently part of the same tax parcel. There is a wedge of property that is located at the intersection of Guideboard Road and Middletown Road that is separated from a piece across the street on Middletown Road, so physically separated by the highway it is part of the same tax parcel. We are looking to break that piece off into its own separate individual property and we would like to get a special use permit to construct a duplex on there. The reason that this is considered a major subdivision I'm not sure if the board is aware of it, and I may have discussed it in my, I know I discussed it in my project narrative but I'll try to verbalize it here. We were under contract with the property owners Greg and Gary Mincher just about eleven months or so ago and time was not necessarily of the essence, we did not get here to present this until I believe I filed for the application in December and at that point in time Rich Harris had said hey there is already an application before the board a subdivision which was un-benounced to me, the Minchers never brought it to my attention, but there was I believe at the meeting on January 25th three other lots that were approved with Eric Tanski who was buying the pieces from the Minchers, so while this would have been a minor subdivision a year ago because I didn't get here sooner it's now become a major subdivision because of what took place between Eric Tanski and Greg and Gary Mincher so that's the reason it's a major subdivision unfortunately for us. And then the

second part is a special use permit for to construct a duplex on this property so if the board has any questions I would be happy to provide information if I can.

**Don Roberts:** Ok, thank you Chris, any questions by the board?

**John Higgins:** Who is gonna retain ownership of the piece across the road? The Minchers?

**Chris Marchand:** The Minchers, correct.

**John Higgins:** So there are no plans for that, it has nothing to do with this?

**Chris Marchand:** Not that I'm aware of no, no the that piece is to be remained vacant across the way.

**John Higgins:** And as far as the special use permit for a duplex the characteristic of that area is generally single-family homes isn't it?

**Chris Marchand:** There are some businesses located in the area too, there is a just a few hundred yards down Guideboard there is an existing business there is another business the Petuske Produce stand on the corner, the fire house is to the, lets say the east by about a thousand yards or so, so there seems to be a nice mix, its a fairly heavily trafficked road so I feel that it is consistent with the surroundings, I feel its consistent with the neighborhood and it wouldn't provided an adverse impact in any way to any of the neighbors.

**John Higgins:** The three lots that were just approved were all single-family homes.

**Chris Marchand:** I believe that's the case, it wasn't my application so but I believe that's what it was approved.

**John Higgins:** Ok, thank you.

**Don Roberts:** Anyone else? (No comments) Now Chris this has to be referred to the County Planning Board so we have to set the public hearing a ways out, but in the meantime I would like to have a committee go out and visit the site, John like to go? Tom, ok so we will have a committee go out and visit the site alright Rich?

**Richard Harris:** Yep we will set that up.

**Don Roberts:** And we will need a motion to set a Public Hearing for March 28th.

*A committee has been set up and a site visit to CGM Guideboard and Middletown Road will be done by Rich Harris, John Higgins, and Tom Koval. This application will be sent to the County Planning Board for review.*

*A motion was made by the Board to set a Public Hearing for March 28, 2016. Motion Approved.*

**16.012      Sokoliski & Jacon, 2 Stage Run - Minor Subdivision (Lot Line Adjustment)**

**Duane Rabideau:** From VanGuilder and Associates here representing Lori Jacon and Diane Sokoloski for a proposed Lot Line Adjustment. The parcel is located at 2 Stage Run which is the corner lot of Harris and Stage Run and 134 Harris Road, both of these parcels are located at the southwest corner of Harris and Stage Run, we are proposing to annex the southerly 2,589 sq ft portion of 2 Stage Run annex it to 134 Harris Road which is the one farthest to the left, the original area for 2 Stage Run was 29,692 sq ft that would decrease to 27, 103 ft and then the 134 Harris Road would increase from 53, 636 to 56,225 sq ft. Both of these two lots after the lot line adjustment would meet all the special requirements of the R-1 zone and that is our request.

**Don Roberts:** Thank you Duane, any questions? No, pretty straight forward I guess. This has to be sent to the county also Duane so you know, so we have to push it out a little bit, so we need to a motion to set a public hearing for March 28th.

*This application will be sent to the County Planning Board for review.*

*A motion was made by the Board to set a Public Hearing for Sokoliski & Jacon Minor Subdivision March 28, 2016. Motion Approved.*

**16.013      Cardin Acres Subdivision , 26,27 Chateau Dr. /11 David Ln.- Minor Subdivision (Lot Line Adjustment)**

*Marcel Nadeau recused himself.*

**Duane Rabideau:** From VanGuilder and Associates here representing John Paul Builders LLC. For a Lot Line Adjustment between lots 11 David Lane, which is the large parcel to the left and lots 26,27 Chateau Drive, which are the two lots at the end of the cul de sac of Chateau Drive. All three of these parcels are located in the Cardin Acres Subdivision we are proposing a lot line adjustment to increase the build able areas of 26 and 27 Chateau Drive. The proposal is to add 20 feet a 20 foot wide strip of land along the rear of lots 26, and 27 chateau, taking this 20 foot strip out of lot 11 David Lane basically the, the areas of 26 Chateau Drive would increase to 17,474 sq ft, 27 Chateau Drive would increase to 17, 863 sq ft. and then it would decrease 11 David Lane which is the large parcel down to 3.13 acres of land, and basically these new lots would also meet all the spatial requirements of the R-1 zone and that is our request.

**Don Roberts:** Thank you, any questions by the board?

**John Higgins:** Duane, the land preservation area is that going to stay the same size?

**Duane Rabideau:** That's correct, yes that would not decrease basically by moving the rear lot line back 20 feet it moves our build able rear build able line back enough to get the area we need with out cutting into the land preservation area.

**Lyn Murphy:** John I think your thinking of at the pre meeting there was some discussion on the next application that involved the land preservation area.

**Duane Rabideau:** Yes, on the next one ill do that what you're asking about. This one has no affect on it.

**John Higgins:** Ok, but it is still even though the two lots are getting expanded. Whoever buys those lots is still restricted to the covenant to the land preservation area.

**Lyn Murphy:** None of that is changing; I just thought you were confused because the next application will in fact reduce the amount.

**John Higgins:** No I just wanted to make sure that we were on record that the land preservation restrictions for these two lots is gonna run with the lots.

**Duane Rabideau:** That is correct.

**John Higgins:** That's the point I was trying to make Lyn that's all.

**Don Roberts:** Anyone else?

*A motion was made by the Board to set a Public Hearing for Cardin Acres Subdivision on March 14, 2016. Motion Approved.*

**16.014**      **Marcel & Cardin Lot Line Adjustment, 26 & 30 Marcel Drive / Cardin Drive - Minor Subdivision**

*Marcel Nadeau recused himself.*

**Duane Rabideau:** From VanGuilder and Associates here representing John Paul Builders LLC. For a Lot Line Adjustment between lots 23 which is the large parcel in Cardin Acres on the right hand side and lots 26 and 30 Marcel Drive. Basically the location is lots 26 and 30 Marcel Drive or Marcel road is with in the Orchard Park Subdivision and lot 23 Cardin Drive is in the Cardin Acres Subdivision. The proposal is to annex a portion of 23 which is the larger parcel to lots 26 and 30 Marcel Road, the amount of land to be annexed at 26 Marcel Road which is the southerly most parcel on the bottom left hand corner will be 5,813 sq ft the amount of land to be annexed to 30 Marcel Road which is the upper left hand parcel would be 2,789 sq ft. There will be 21.2 acres of land remaining in the 23 Cardin Acre parcel, which is mostly encumbered by wetlands. Again all these lots will meet the special requirements of the R-1 zone, and that's our request.

**Don Roberts:** Thank you again, questions.

**John Higgins:** Was there an acreage stipulation for that land preservation area on the original subdivision?

**Duane Rabideau:** Apparantly was, it had to be more than 30 acres, and right now there was a had to be more than thirty acres and right now there was before these lot line adjustments there was approximately 34 acres, so were basically taking about half an acre out.

**John Higgins:** Ok, so it's still in excess of the minimum stipulation.

**Duane Rabideau:** That's correct.

**John Higgins:** Thank you.

**Margaret Sautter:** I just wanted to ask how long ago was, I don't know I will just say lot 30 and 28 how long ago did they build their homes or were their homes built?

**Duane Rabideau:** Oh, those were built probably when the Orchard Park subdivision, I think that maybe Phase III, ten, fifteen years ago? Maybe more twenty?

**John Higgins:** Eighteen, nineteen years ago.

**Margaret Sautter:** I was just going to question; I mean this was just noticeable now?

**Duane Rabideau:** That's correct, this is a vast majority of this parcel 23 Cardin is wet lands and lot of times they pass both so basically John Paul Builders is in the process of negotiating with somebody that wants to build a house on this parcel so we went around they wanted a certified survey we went around we noticed the encroachments, brought it to the neighbors attention and basically the parties are working out this relation, basically doing a lot line adjustment.

**Margaret Sautter:** Ok, good thank you.

**Don Roberts:** Anyone else. (No comments)

*A motion was made by the Board to set a Public Hearing for Marcel & Cardin Lot Line Adjustment on March 14, 2016. Motion Approved.*

**16.015      Clifton Park Materials LLC., 118 Button Road - Minor Subdivision**

*Tom Koval and John Higgins recused themselves.*

**Dean Morotta:** Good evening ladies and gentleman, my name is Dean Marotta, I represent Clifton Park Materials LLC. Its a Valente company we are proposing tonight is a small subdivision of one lot that's the very edge lot there, on the very edge of, there we go, there it is right there. That lot subdivided off of the larger lot of the gravel pit there. We are not asking for any zoning change or anything just need to remove that one lot for to proceed to sell both those lots to an individual.

**Don Roberts:** That's it?

**Dean Morotta:** That's it, pretty simple.

**Richard Harris:** Your going to move the line you'll need a permit right?

**Dean Morotta:** It's in the process right now.

**Don Roberts:** And that reverts back to R-1?

**Richard Harris:** That's correct

**Don Roberts:** All right everyone's aware of that.

**Dean Morotta:** Agricultural yep.

**Marcel Nadeau:** No Residential

**Dean Moratta:** Oh, R-1

**Don Roberts:** So everyone's aware of that?

**Dean Morotta:** Yes sir.

**Don Roberts:** Ok, any questions from the board? (No comments)

*A motion was made by the Board to set a Public Hearing for Clifton Park Materials on March 14, 2016. Motion Approved.*

**16.024            PAAR Estates of Halfmoon Planned Development District PDD, 33 Farm to Market Road - Major Subdivision**

*Don Roberts recused himself.*

**Jeff Williams:** Bruce Tanski Construction and Development, I'm here with the applicant Bruce Tanski tonight, I'm here for a quick update to the planning board of where we have been since we last saw you back in November, PAAR Estates Planned Development District is a twin town home with a nine hole executive golf course being proposed on a 89.2 acre piece of land that is on the south side of Farm to Market and Pruyn Hill and Rte 146 Intersections. In November 9, 2015 this board granted us a positive recommendation back to the town board, we went to the town board in January 6 2016 after holding a public hearing the town board granted the PDD actually creating the legislation for the proposed project so in the meantime from there our engineering company Lansing Engineering has prepared preliminary plans and reports and have submitted that to the town and to Clough Harbour the towns engineering, and just the only big change that would be looking closer to the storm water pollution plan we had to enlarge one storm water basin , it caused us to lose one building lot , two units so at this point we are at 130 units , 165 twin town homes , that also did a slight change to the , course lay out , the golf course lay out. I'm just here tonight to bring you up to speed and hopefully set, prepare to start the process of gaining a final site plan /sub division approval.

**Lyn Murphy:** Jeff before you go those yellow squares are some sort of technical issue Im assuming?

**Jeff Williams:** I hope so; I have no idea what they are.

**Lyn Murphy:** Well they are not on any of the maps we have and they are not on your map.

**Paul Marlow:** I think that's just the way it was sent from Lansing.

**Lyn Murphy:** Ok, they don't denote anything?

**Paul Marlow:** No, I think it just may be part of their shape file.

**Jeff Williams:** The layout I have behind me is the current layout and ill show you, basically is we had a two or twin town home right here and we had put a storm water basement in that area so that we lost that twin town home, we also had a golf course hole up through this area and that switched over to this, so those are the two major changes right now.

**Marcel Nadeau:** Any questions from the board?

**Margaret Sautter:** Just so I can verify, you said you reduced the total number of units from 148 to 132?

**Jeff Williams:** I think originally way back when we were at 148 then we went down to 136, 132 and now we are at 130.

**Margaret Sautter:** 130, so those are the two? That's what I wanted to verify, thank you.

**John Higgins:** Jeff, Should the project be approved what was the time frame of the water line on Tabor Road?

**Jeff Williams:** Well we are in the midst of engineering and designing that right now and I think Mr. Tanski has agreed to put that in as soon as it's approved and ready to go.

**Bruce Tanski:** I had committed to the planning board once we had PDD approval, the legislation that we would start the engineering, which we have done so, ya know my recollection is we would like to start as soon as we get final approval we would like to start it, ya know, May, June, we would like everybody to have water by August.

**John Higgins:** Ok, thank you.

**Tom Koval:** That's going to be done before any of this project start?

**Lyn Murphy:** The PDD spells out specific time frames and what can be done prior to the installation and completion of the line. I don't, I can pull up the legislation.

**Bruce Tanski:** Its, I think its simultaneously but the water line was not supposed to interfere at all with what we were doing, with the town houses and I think we were allowed according to the town rules five building permits but we weren't going to get any c/o's until the water line was turned over, that's my recollection, if Im wrong, I apologize.

**Marcel Nadeau:** Any more questions? Clough Harbour is still reviewing this, is that correct? Ok.

*PAAR Estates of Halfmoon PDD has been referred to Clough Harbour for review. The proposed waterline is now in the engineering stage and they are hoping to start both the waterline and the building by May 2016.*

**15.010/11.143                    Linden Woods Subdivision, Part A&B (fr. Linden Village Pdd & Craver / Wright/ Hughs Subdivision) , Dunsbach Road - Major Subdivision**

**Donald Zee:** With me is Ivan Zhdrahl, the developer and engineer for the project bear with us we will just set up a stand. We're here tonight to hopefully to get approval to set a public hearing, we also want to update the board a little bit about where we have been and what we've done, we did have a letter from the town designated engineer Clough Harbour, written letter and we have responded to each and everyone of those comments I believe. Clough Harbour is currently reviewing the written responses to their letter. The board has seen part of this project quite a bit because part of it approximately half of the land has been approved as part of a PDD, the remaining acreage you've seen once several months ago and the PDD is known as Linden Village PDD, it consists of 37 acres under the PDD there they could have what we call cottage lots, lots were a minimum of 10,000 sq ft. and that's depicted in this area here. There has been one minor change really to the project, since the time the PDD was adopted by the town board and this board as seen and what has happened is, some of the adjoining property owners in this area which is the lands of Wright and Craver we have entered into agreements with them as part of the transaction and we were able to move the curb cut to Dunsbach road so that it creates a four way intersection to red maple lane which we believe is a better intersection, rather than having off sets. The public benefits that we proposed and were adopted by the town board are still to remain in place. As to the second portion of the project, which is located here in the lighter green color, that is in fact a subdivision of three sets of existing parcels, lands of Hughs, Lands of Wright and Lands of Craver and there we are proposing a total of 40 single family building lots, of the 40 single family building lots there are in fact five existing lots, homes that would remain. On the Lands of Hughs, tan colored one, two, three on the Lands of Craver there's an existing home here and on the Lands of Wright there's one single family home sitting there as well. In the lands of Wright we propose to subdivide their acreage into two building lots, the lands of Craver into two building lots, as I said each one of those would have an existing home, Lands of Hughs would have the three homes plus a total of 32 more single family building lots for a total of 40 lots all together. So what has occurred is we would create a loop road with two cul de sacs, we've been before the board and talked about I think, because the board had grave concerns about storm water management and we have done a SWIP and engineered designs for storm water management. As we indicated in the past, there would be the ability to cross in this area right here from the storm water management, we have storm water management in here, we have areas here for storm water management and in the package that was submitted to the board, we show the drainage corridors and the drainage areas for this entire area and how the water would flow and as I said that is currently being reviewed again by your engineer. Since the time we had last appeared we have submitted a traffic study we have had correspondence respond by the Army Corps Engineers, The U.S. Dept. of the Interior, we have had DEC fish and wildlife, we have submitted to archeology study to (?) and we have been verbally told that that report has been accepted and which it indicated that were no impacts proposed by this development. We would anticipate in the next couple of days to submit

information to both DOT for the curb cuts as well as to submit to Dept. Of Health and Saratoga County Sewer. As I said I believe the response letter to Clough Harbour was submitted approximately a week ago, it was a lengthy report, I know they did meet Ivan and Clough Harbour met just to go over some matters quickly to explain some of the methodology in our response. As I said we are here hopefully to be in a position to ask for a public hearing to be set.

**Don Roberts:** Thank you Donald, any questions by the board.

**Rich Berkowitz:** Mr. Zee what exactly are the public Benefits?

**Donald Zee:** The public benefits that were approved and accepted by the town board, there were three of them, one was that there was going to be improvements to the culverts in this area right here, there was a traffic lane improvement Im showing this specific detail on Dunsbach Ferry Road and Ivan if you could help me out on the third improvement.

**Lyn Murphy:** It's a 21.14-acre donation of a common area and land and trail to be maintained by the HOA with the public access.

**Donald Zee:** Yes. That is included as well.

**Lyn Murphy:** For fun I can look all this stuff up (laugh)

**Donald Zee:** You're much better than me in that (laugh)

**Rich Berkowitz:** And also on the conventional subdivision lots there's a total of 35 new lots? It says 40 including the five existing homes?

**Donald Zee:** Right so there's a total of 35 new ones yes. And those lots range in size somewhere from minimum of 20,000 sq ft and there's a couple of state lots, this lot here is in excess of 120,000 sq ft, there are a couple that are 30,000 sq ft the average in this roadway here is somewhere around 20, 22,000 sq ft.

**Rich Berkowitz:** Ok

**Don Roberts:** Anyone else?

**John Higgins:** Way back when this first came before us Ivan there was a question about some potential hazardous waste was that all checked out and there's nothing there?

**Donald Zee:** That is correct we had done some soil boring and some soil analysis in the lands in this area and they came back as no hazardous materials.

**John Higgins:** Ok, thank you.

**Margaret Sautter:** Mr. Zee when you said that you've for instance put the application towards Shippo is this now for both the properties or for property B?

**Donald Zee:** Both properties.

**Margaret Sautter:** So your including both, I just wanted to try and verify that and get that before I read the, what comes back, because that has not come back yet or did it, did they do an archeological, did they need to do an ANB?

**Donald Zee:** We've already done the archeology ANB and we have submitted the report and we have heard from the technical people that we don't need to do any further analysis.

**Margaret Sautter:** Just avoidance, ok now correct me if Im wrong but when the PDD was first approved its your saying 48 homes?

**Donald Zee:** It was approved for up to 48 homes we proposed 47.

**Margaret Sautter:** Ok and was there only the one entrance, I know the entrance has moved but did we approve that with what one entrance?

**Donald Zee:** there was discussion of one entrance with I believe that we had to have another connection, another curb cut and that's why we went forward and had the second means of entrance through the Hughs property.

**Margaret Sautter:** Ok prior to that because the Hughs property was not there, and wasn't there another entrance?

**Donald Zee:** No, there was a possibility, some discussion about some adjoining properties that we had met with, but the PDD specifically spelled out where it had to be it just indicated that a second one should be updated.

**Margaret Sautter:** Ok, that's what I remember that there was going to be and exit and entrance in that area there that is a few trailer parks or something correct. Ok so that's no longer viable and we are going through Hughs. Ok thank you.

**Don Roberts:** ok anyone else?

**Marcel Nadeau:** So you moved the intersection to red maple lane, where is Red Maple Lane? What's on that road?

**Donald Zee:** Duplexes, Its a six lot subdivision.

**Don Roberts:** Ok, we have to do a public hearing but I think we need to do expanded notice so we should have the public hearing on April 11th.

**Lyn Murphy:** Just for clarification the expanded notice is consistent with what you did for the previous applications?

**Don Roberts:** Yes

*A motion was made by the Board to set a Public Hearing for the Linden Woods Subdivision on April 11, 2016. Motion Approved.*

*Tom Ruchlicki made a motion to adjourn the meeting at 8:10 pm. Marcel Nadeau Seconded. Meeting Adjourned.*